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*Attorneys for Plaintiff and the Alleged Classes*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER AND PLUMBING,  
INC., individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

TOTAL MERCHANT SERVICES, LLC, a  
Delaware limited liability company,

Defendant.

Case No. 3:19-cv-05711-EMC

**PLAINTIFF'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL**

Judge: Hon. Edward M. Chen  
Courtroom: 5  
Complaint Filed: September 11, 2019

Pursuant to Local Civil Rule 79-5 and 7-11, Plaintiff Abante Rooter and Plumbing, Inc. ("Plaintiff" or "Abante") respectfully seeks leave to file the documents described below under seal. This motion is supported by the Declaration of Patrick H. Peluso.

Civil L.R. 79-5(e) states that if the party submitting a motion to file under seal "is seeking to file under seal a document designated as confidential by the opposing party or a non-party pursuant to a protective order, or a document containing information so designated by an opposing party or a non-party, the Submitting Party's declaration in support of the Administrative Motion to File Under Seal must identify the document or portions thereof which contain the

1 designated confidential material and identify the party that has designated the material as  
2 confidential (“the Designating Party”).”

3 Plaintiff respectfully requests that Plaintiff’s Motion for Class Certification (the  
4 “Motion”), page 3 lines 5-9, 12-14, 20-26; page 4 lines 1-2, 5-6, 8-9, 14-15; and page 15 lines 2-  
5 9; and Exhibits B and C in support of Plaintiff’s Motion be filed under seal. These documents  
6 have been designated confidential by Defendant Total Merchant Services, LLC (“Defendant”)  
7 pursuant to the stipulated protective order entered in this case (dkt. 42).

8 Accordingly, Plaintiff respectfully moves to file the following documents under seal in  
9 compliance with the stipulated protective order:

- 10 1. Plaintiff’s Motion for Class Certification, page 3 lines 5-9, 12-14, 20-26; page 4  
11 lines 1-2, 5-6, 8-9, 14-15; and page 15 lines 2-9, which discuss documents and  
12 testimony that were designated as confidential by Defendant pursuant to the  
13 protective order entered in this case.
- 14 2. Exhibit B in support of Plaintiff’s Motion for Class Certification, which contains  
15 excerpts of deposition transcript of Defendant Total Merchant Services, LLC’s  
16 (“Defendant” or “TMS”) corporate representative, Darren McCaffrey. Mr.  
17 McCaffrey’s testimony was designated as confidential by Defendant pursuant to  
18 the protective order entered in this case.
- 19 3. Exhibit C in support of Plaintiff’s Motion for Class Certification, which contains  
20 the sales representative agreements between TMS and Triumph Merchant  
21 Solutions, LLC. The sales representative agreements were designated as  
22 confidential by Defendant pursuant to the protective order entered in this case.

23 Accordingly, Plaintiff respectfully requests that the Court grant this administrative motion  
24 to seal.

25 Respectfully submitted,

26 Dated: April 12, 2021

**ABANTE ROOTER AND PLUMBING, INC.,**  
individually and on behalf of all others similarly  
situated,

By: /s/ Patrick H. Peluso  
One of Plaintiff's Attorneys

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via Court's ECF system on April 12, 2021.

/s/ Patrick H. Peluso